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OFFICE OF PETITIONS

In re Application of	:	
Miskin, Mark R.	:	
Application No. 10/666,237	:	DECISION ON PETITION
Filed: 09-18-2003	:	
Attorney Docket No. 3462.MISK.PT	:	

This is a decision on the petition under 37 CFR 1.181, filed March 21, 2007, to withdraw the holding of abandonment for the above-identified application.

On August 29, 2006, the Office mailed a nonfinal Office action, which set a three month shortened statutory period to reply. On March 2, 2007 (certificate of mailing dated February 28, 2007), applicant submitted a response, a request for an extension of time for filing a response within the third month, and the requisite fee. On March 7, 2007, the Office mailed a Notice of Abandonment, indicating the application was abandoned because no reply was received.

In the present petition, applicant asserted that he filed a timely reply pursuant to 37 CFR 1.8. A review of the record reveals that on March 2, 2007, the Office received applicant's request for a three-month extension of time to respond, the required fee, and the reply, which included a certificate of mailing dated February 28, 2007. Accordingly, the response is considered timely filed on February 28, 2007. See 37 CFR 1.8(a).

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted.

The matter is being referred to Technology Center Art Unit 3641 for a review of the reply filed on March 2, 2007 (certificate of mailing dated February 28, 2007).

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

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